

conveyance from the executor could not be questioned (provided the price were paid), although no antecedent authority were obtained. The proviso at the end of this section creates a condition subsequent only. *Stewart v. Griffith*, 217 U. S. 331.

The act of 1846, ch. 279, does not confer jurisdiction upon the orphans' court to determine controversies in regard to sales of real estate by testators or intestates. Proof of payment of the purchase money is a condition precedent to the exercise of the power conferred by this section. How the payment of the purchase money may be proved. Failure of proof. Title is derived from the executor's deed, and not from the order of court. *Grant Coal Co. v. Clary*, 59 Md. 444.

Purpose of this section. *Kingan Packing Co. v. Lloyd*, 110 Md. 626.

1904, art. 93, sec. 81. 1888, art. 93, sec. 82. 1860, art. 93, sec. 82. 1849, ch. 37.

82. The provisions of the foregoing section shall extend to all cases where administration may have been granted by the proper authority in the District of Columbia; and in all such cases the application to procure such deed shall be made to the orphans' court of the city or county where the land sought to be conveyed is situate.

See notes to sec. 76.

Debts.

Ibid. sec. 82. 1888, art. 93, sec. 83. 1860, art. 93, sec. 83. 1798, ch. 101, sub-ch. 8, sec. 22.

83. No administrator shall discharge any claim against his decedent (otherwise than at his own risk), unless the same be first passed by the orphans' court granting the administration, or unless the said claim shall be proved according to the following rules.*

A *bona fide* payment by an administrator of a claim after it has been passed by the court, relieves him from liability. *Connor v. Ogle*, 4 Md. Ch. 449; *Owens v. Collinson*, 3 G. & J. 38.

Claims for taxes need not be proved or passed; the executors must take notice of, and pay them. *Bonaparte v. State*, 63 Md. 470.

The reversal by the appellate court of the allowance of a claim by the orphans' court, constitutes no bar to the prosecution of the claim at law. *State v. Reigart*, 1 Gill, 29.

For want of full proof when demanded the orphans' court may reject a claim before payment, although it has been passed. *Bowling v. Lamar*, 1 Gill, 363.

This section referred to in construing section 107—see notes thereto. *Bradford v. Street*, 84 Md. 278; *Coburn v. Harris*, 53 Md. 372.

For a case dealing with the act of 1777, ch. 8, section 2, and the act of 1785, ch. 46, see *Stevenson v. Schriver*, 9 G. & J. 324.

Cited but not construed in *Flater v. Weaver*, 108 Md. 672.

See sec. 116.

Ibid. sec. 83. 1888, art. 93, sec. 84. 1860, art. 93, sec. 84. 1798, ch. 101, sub-ch. 9, sec. 1.

84. The voucher or proof of a judgment or decree shall be a short copy thereof under seal, attested by the clerk of the court where it was obtained, who shall certify that there is no entry or proceeding in the court to show that the said judgment or decree hath been sat-

*As to the objects of sections 83 to 97 relative to the payment of claims when they are exhibited with proper vouchers, see *Bowie v. Ghiselin*, 30 Md. 557.